

HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

SOPHEARY SANH,

Plaintiff,

v.

RISE CREDIT SERVICE OF TEXAS, LLC
d/b/a RISE, AND ELEVATE CREDIT, INC.,

Defendants.

NO. 2:20-cv-00310

PLAINTIFF'S RESPONSE TO MOTION
TO STRIKE

Defendants RISE Credit Service of Texas, LLC and Elevate Credit, Inc. filed a two-page notice of supplemental authority with case law from the Northern District of California which they asserted was relevant to their pending Motion to Dismiss Plaintiffs' Amended Complaint. (Dkt. 69). Defendants' notice included argument regarding how those cases were relevant to the Motion to Dismiss.

Plaintiff filed a two-page response to Defendants' notice of supplemental authority and the accompanying argument. (Dkt. 70). Plaintiff's response was in kind to Defendants' Notice.

Defendants filed a "Request to Strike Plaintiff's Notice of Supplemental Authority." (Dkt. 73). Defendants attempt to take a hyper-technical approach to Docket #70 misses the mark.

1 If the Court deems this request to be a motion to strike, then it should be properly
2 noted under Local Rule 7 as a three Fridays Motion. LCR 7(d)(3). It is not so noted.

3 Regardless, Defendants mischaracterize Docket #70 as a Notice of
4 Supplemental Authority. In fact, it is a *Response* to Defendants' Notice of Supplemental
5 Authority and is clearly captioned as a Response. As a response, it appropriately
6 responds the argument in Defendants' Notice. Defendants ask the Court to disregard
7 their own notice and engage in the fiction that Docket #70 was unprovoked.
8

9 The cases asserted in both Docket #69 and Docket #70 contain citations to other
10 dockets which are not controlling on the present Court. Those filings both contain
11 arguments regarding why those cases support their respective arguments on the
12 pending Rule 12 Motion. Those cases should be considered by the Court
13 commensurate with their respective procedural postures. The Court is perfectly well
14 suited to give the appropriate weight to the cases cited in Docket #69 and the responsive
15 Docket #70 without striking either submission.
16

17 DATED: March 2, 2022.

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